CONFERENCE ON DISARMAMENT

CD/PV.801
6 August 1998

ENGLISH

FINAL RECORD OF THE EIGHT HUNDRED AND FIRST PLENARY MEETING

**Held at the Palais des Nations, Geneva,
on Thursday, 6 August 1998, at 10.40 a.m.**

President: Mr. Maimeskul (Ukraine)

GE.98-62968 (E)

The PRESIDENT (translated from French): I declare open the 801st plenary meeting of the Conference on Disarmament. On the list of speakers for today I have the representatives of India and Italy. I now give the floor to the representative of India, Ambassador Kunadi.

Ms. KUNADI (India): Mr. President, since this is the first time that I take the floor under your presidency, please allow me to express the satisfaction of my delegation at seeing you - a representative of Ukraine, with which my country enjoys warm and friendly relations - presiding over the Conference on Disarmament. Indeed, at this particular juncture, when there are important and pressing issues before the Conference, we appreciate the manner in which you have been conducting our work. I also wish to express our appreciation for the way in which your predecessor, Ambassador Sungar of Turkey, discharged his functions, and his contribution in taking forward our work.

On 11 June 1998 Ambassador Norberg of Sweden had presented in the CD plenary, on behalf of the delegations of Brazil, Egypt, Ireland, Mexico, New Zealand, Slovenia, South Africa and Sweden, the joint declaration entitled "Towards a nuclear-weapon-free world: The need for a new agenda", issued on 9 June 1998. India noted that the declaration contains a number of valuable suggestions which deserve consideration by the international community. The Minister of State for External Affairs of India, Mrs. Vasundhara Raje, on 16 June, wrote separate letters to the Foreign Ministers of these eight countries expressing India's readiness to cooperate with them in collective efforts for the establishment of a nuclear-weapon-free world.

The joint declaration is a timely reminder that, in spite of nearly 100 resolutions of the United Nations General Assembly reflecting the will of the international community, decisive steps for creating a nuclear-weapon-free world have still not been taken. In her letter the Minister of State for External Affairs underlined that partial measures for non-proliferation will not work. The road map is clear - we have dealt with other categories of weapons of mass destruction, i.e. chemical weapons and biological weapons, by negotiating multilateral treaties that are comprehensive, universal and non-discriminatory. We need to adopt a similar approach to deal with nuclear weapons.

India's response to the joint declaration underscores the fact that as a nuclear-weapon State, our commitment to pursuing global nuclear disarmament in order to achieve a nuclear-weapon-free world remains undiluted.

I would now wish to set out our views on agenda item 4, entitled "Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons".

India has consistently maintained that the only credible guarantee against the use or threat of use of nuclear weapons lies in their total elimination. Until this objective is reached, as an interim measure, there exists an obligation on the part of nuclear-weapon States to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons,

(Ms. Kunadi, India)

and also that these weapons will not be used as instruments of pressure, intimidation and blackmail. This obligation should be of an internationally legally binding character - clear, credible, universal and without discrimination. We welcome the resumption of work in the CD after a pause of three years, on the basis of its decision contained in CD/1501. We also record our appreciation to the Chairman of the Ad Hoc Committee, Ambassador de Icaza of Mexico, from whose vast diplomatic experience and skills the Ad Hoc Committee has greatly benefited.

At the outset, it bears recalling that NSAs have been a long-standing agenda item of the Conference on Disarmament. Although much useful work was done during the previous Ad Hoc Committees, this fact also bears testimony to the inability of the Conference on Disarmament to successfully conclude its work on this item. We do not need to dwell here on the reasons for the inability of the CD over the years to bring to a successful conclusion its consideration of NSAs. It is sufficient to mention that NSAs, a long-standing demand of the non-nuclear-weapon States, were not accorded the same priority as other items on the nuclear non-proliferation agenda and, in fact, remained its poor cousin.

The consideration of security assurances has been plagued from the beginning with linkage not with the objectives of nuclear disarmament but with that of non-proliferation. Seen in the latter perspective, security assurances remained confined to what the nuclear-weapon States thought fit to provide at their discretion. There remained an unfulfilled need for these assurances to be multilaterally negotiated, legally binding and comprehensive. Security assurances remained as interim measures without an objective, save that of finding a place in a framework that enabled the nuclear-weapon States to retain in perpetuity their privileged possession of nuclear weapons.

Partial and conditional pledges of non-use of nuclear weapons, whether undertaken unilaterally or in separate undertakings, cannot be the basis for credible guarantees for non-nuclear-weapon States. In 1965, along with a group of non-aligned countries, India put forward the proposal for an international non-proliferation agreement under which the nuclear-weapon States would agree to give up their arsenals, provided that other countries refrained from developing or acquiring such weapons. This balance of rights and obligations was not accepted.

In the 1960s, when there was a deepening of our security situation, we sought security guarantees but the countries we turned to were unable to extend to us the expected assurances. India expressed its strong reservations with the approach employed in United Nations Security Council resolution 255, which was repeated in Security Council resolution 984, adopted on the eve of the indefinite extension of the NPT. We believe that a continuation of the same approach will not yield fruitful results.

India supported United Nations General Assembly resolution 1653 of 24 November 1961, which called on the Secretary-General to ascertain the views of the Member States on the possibility of convening a special

(Ms. Kunadi, India)

conference for concluding a convention on the prohibition of use of nuclear weapons. In 1978, India proposed negotiations for an international convention that would prohibit the use or threat of use of nuclear weapons.

The United Nations Charter does not discriminate between those that might adhere to a particular treaty or those that might not, and the responsibility of the United Nations Security Council is to all Member States of the United Nations without discrimination. The NPT, as it stands today, cannot reflect the ground realities and would be an inadequate framework for consideration of security assurances. Thus, we do not recognize any linkage between the objectives of this Ad Hoc Committee and the NPT.

Consideration of security assurances in the narrow straitjacket of nuclear-weapon-free zones cannot do justice to the wide variety of concerns that emanate from the global nature of the threat posed by nuclear weapons. Besides, we do not consider the CD as the appropriate forum for the consideration of regional issues. We, however, respect the sovereign choice exercised by non-nuclear-weapon States in establishing nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned. At the recently concluded fifth session of the ASEAN Regional Forum in Manila, India stated that we fully respect the status of the nuclear-weapon-free zone in South-East Asia and are ready to convert this commitment into a legal obligation. India will remain responsive to the expressed need for commitments to other nuclear-weapon-free zones as well.

The delegation of Canada posed the question in its working paper CD/1502: "Who is to give what to whom and how?" The Chairman of the Ad Hoc Committee had sought views of delegations on two questions: the scope of our deliberations, and what is to be protected. May we suggest a third perspective, which is not exclusive from the other two? Our approach would be to seek answers to: What is the objective? And what is the combination of means that could provide a feasible internationally legally binding instrument providing security assurances in terms of current realities?

Negative security assurances are interim measures pending the elimination of nuclear weapons, which is the main objective. As interim measures, negative security assurances cannot be a substitute for genuine disarmament measures nor should they hinder the process of nuclear disarmament. However, in a world of nuclear proliferation, negative security assurances can facilitate confidence-building.

We believe that a convention on the prohibition of the use of nuclear weapons could form the bedrock of security assurances - comprehensive, legally binding and irreversible. India has proposed for consideration a draft convention on the prohibition of the use of nuclear weapons as an annex to United Nations General Assembly resolution 52/39 C. We believe that such a convention could contribute to the lowering of the nuclear threat and to the climate for negotiations leading to nuclear disarmament, as was achieved with the other two weapons of mass destruction. This ad hoc committee could also consider various proposals for the global de-alerting and detargeting of nuclear weapons, with necessary verification mechanisms. We are also willing

(Ms. Kunadi, India)

to discuss ways of strengthening, in the context of current realities, and of expressing in a multilateral framework, the provisions contained in the 1973 Agreement between the United States of America and the USSR on the Prevention of Nuclear War.

As a responsible nuclear-weapon State, India has stated that it does not intend to use nuclear weapons to commit aggression or for mounting threats against any country. The Prime Minister of India stated the following in the Lower House of the Indian Parliament on 4 August 1998:

> "India's nuclear tests were not intended for offence but for self-defence. In order to ensure that our independence and integrity are never jeopardized in future, we will have a policy of a minimum deterrent. We have stated that we will not be the first to use nuclear weapons. We are also willing to strengthen this by entering into bilateral agreements on no first use or multilateral negotiations on global no first use. Having stated that we shall not be the first to use nuclear weapons, there remains no basis for their use against countries which do not have nuclear weapons."

The extension of negative security assurances must be seen as part and parcel of the commitment to achieve complete nuclear disarmament. There can be no effective guarantee against the use or threat of use of nuclear weapons if the nuclear-weapon States cling to the notion that such weapons should be their exclusive and perpetual property, to the detriment of the security of all countries. The Colombo Declaration of the recently concluded tenth summit of the South Asian Association for Regional Cooperation (SAARC) urged the Conference on Disarmament to "commence negotiations on a comprehensive, universal and non-discriminatory instrument prohibiting the use or threat of use of nuclear weapons as well as eliminating such weapons in existing arsenals."

We believe that the efforts of the CD through the ad hoc committee under agenda item 4, in negotiating an internationally legally binding instrument, could act as a matrix within which measures could be undertaken and facilitated with the aim of preventing and prohibiting the use of nuclear weapons, paving the way for their elimination.

The PRESIDENT (translated from French): I thank the representative of India for her statement and the kind words addressed to my country and to the Chair. I now give the floor to the representative of Italy, Ambassador Balboni Acqua.

Mr. BALBONI ACQUA (Italy) (translated from French): Mr. President, I am taking the floor for the first time during the work of the third part of the Conference under your leadership. First of all I wish to congratulate you, also on behalf of my delegation, on taking up the post of President. I am very happy to see you conduct this assembly as the representative of a country with which Italy maintains close ties of friendship. Your personal skills and also the fact that you represent a country that has voluntarily given up nuclear weapons make you particularly well qualified. I am sure that the international prestige and role of your country - another significant

(Mr. Balboni Acqua, Italy)

testimony was the appointment of the Ukrainian Minister for Foreign Affairs, Mr. Udovenko, to the post of President of the fifty-second United Nations General Assembly - will be usefully put to work for the Conference to lead our work with success, especially in the present circumstances. I extend my warm congratulations to you for the way you have chaired our deliberations to date and the efforts you are devoting to this difficult task.

Italy takes its place unhesitatingly among the countries that support the process of nuclear disarmament with the final objective of the total elimination of all nuclear weapons. We have already committed ourselves to this by fully assuming our responsibilities, and we understand that certain countries represented in the Conference are impatient to see more progress along this path. I would like to stress that nuclear disarmament and non-proliferation in their entirety are essential elements of Italian foreign policy as far as international stability and security are concerned. The Italian Government is resolved to continue to work actively to increase the determination with which the international community is pursuing the objective of bringing about the complete and total elimination of nuclear weapons as well as general and complete disarmament under effective international control.

In an international community which now seeks to eliminate nuclear weapons gradually, the nuclear tests that have been carried out on the Indian subcontinent took us by surprise and cannot be justified. Therefore, it was necessary to show immediately the weight of the international community's disapproval and prevent any possibility of emulation right from the start. But we have always believed in the need for dialogue with India and Pakistan in order to try and make the forces of reason and moderation prevail. The Italian Government did not confine itself to expressing its indignation, but also tried to make an active contribution to that end, especially in the international institutions to which it belongs. It is for that reason that we listened with great interest to the statements of the Permanent Representative of Pakistan, Ambassador Akram, with regard to the recent decisions of his Government, in particular with regard to the commencement of negotiations for a ban on the production of fissile material for military purposes. We consider this important statement to be fundamental so that negotiations can start as soon as possible on the basis of the Shannon report and mandate. We also appreciate certain statements just made this very morning by the representative of India, Ambassador Kunadi.

We have also noted other proposals over the last few days. I refer in particular to the Algerian initiative. We agree with regard to the assessment on the interrelationship between disarmament and non-proliferation and we appreciate the value of efforts to try and emerge from the deadlock which, despite the relevant resolution adopted by consensus at the forty-eighth General Assembly of the United Nations, has until now prevented the Conference from starting negotiations on the cut-off.

From the point of view of principle, I wish to confirm that the Italian commitment is designed to bring about three objectives: the universalization of the Treaty on the Non-Proliferation of Nuclear Weapons, acceleration of the process of reduction of the devices in the possession of the nuclear countries

(Mr. Balboni Acqua, Italy)

with a view to their ultimate elimination, and, more broadly, the practical realization of the plan of action on disarmament and nuclear non-proliferation adopted by the NPT Review and Extension Conference. It is in this context that Italy supports the establishment within the Conference of a forum for consultation among nuclear and non-nuclear countries, in keeping with our conviction that nuclear disarmament is the primary responsibility of the countries that possess such weapons, which also concerns the international community as a whole.

We think that, proceeding from the plan of action agreed on in 1995, the road to non-proliferation has been practically staked out. Its phases are: the entry into force of the Comprehensive Nuclear Test-Ban Treaty; the immediate commencement of negotiations on a ban on the production of fissile material; a further reduction in the stockpiles of the United States and the Russian Federation, which we would like the other nuclear Powers such as China, France and the United Kingdom to join speedily. In this connection, I would like to stress the satisfaction with which we heard the statements made last week by the British Permanent Representative, Ambassador Soutar, and appreciation for the prospects that we perceive for further steps in the direction of the progressive elimination of nuclear weapons. In order to attain these general objectives, Italy will continue consistently and tenaciously to make every possible effort, especially as these objectives were reaffirmed by the political forces represented in the Italian Parliament on 8 July, during the course of a debate specially devoted to this subject. We are convinced that we absolutely must make progress and strive to take further steps in this direction.

We believe that the Belgian proposal for the establishment of a forum for the exchange of information on nuclear disarmament is a realistic compromise to facilitate dialogue between nuclear and non-nuclear countries. We also appreciate the Austrian proposal whose conceptual motivations were illustrated by Ambassador Kreid, as well as the Canadian proposals with their illuminating arguments. In order to cover our views on this point fully, I would like to confirm Italy's commitment to further reflection in the context of the Ad Hoc Committee on negative security assurances. This is a delicate issue and we have confidence in the professional and negotiating skills of its Chairman, Ambassador de Icaza. There is an Italian proverb that may be mentioned in this case, which says: He who proceeds slowly will go well and go far. I am convinced that the prudent method of constant reflection, thorough analysis and the dispelling of the doubts we encounter is the best approach we could have adopted to arrive at a concrete result. In any event, it is clear that we are going to make every effort to attain this objective. These prospects for action would not have been feasible if there had not been such a determined commitment by the President of the Conference and the Presidential troika in their consultations on item 1 on our agenda. We welcome the work that has been accomplished and we urge the continuation of the consultations so that they may be crowned with success.

We have now come to the decisive work of the last part of the annual session of the Conference, which, this year, has been able, right from the outset, to adopt a programme of work and has also been able to record the great commitment of the Special Coordinators on the items submitted for our

(Mr. Balboni Acqua, Italy)

consideration. We will also continue to offer them our active contribution, which will be of a special nature with regard to anti-personnel mines. The leading position adopted by Italy in efforts to combat these devices is brought out clearly in the legislation by means of which we have unilaterally anticipated the commitments contained in the Ottawa Convention, the ratification of which is currently before Parliament.

With regard to anti-personnel mines we are convinced of the usefulness of action also with respect to the sphere of the Conference on Disarmament on condition that this initiative will be complementary and will be pursued in keeping with the norms and principles contained in the aforementioned Convention. In this context I would also like to mention the action and further commitment of Italy in the area of demining as an essential part of the initiatives adopted by the international community in order to provide a final and complete solution to the problem of anti-personnel mines. Italy is a founder country of the Conference on Disarmament, and for this reason we attach great importance to the development of its activities, which we consider to be essential for the safeguarding of international peace and security.

I would like to express the hope that practical aspects and realism will finally prevail, as is always the case, where there is a clear political will to arrive at a solution to the problems.

The PRESIDENT (translated from French): I thank the representative of Italy for his statement and the kind words addressed to my country and the Chair. I now give the floor to the representative of Bangladesh, Ambassador Chowdhury.

Mr. CHOWDHURY (Bangladesh): Mr. President, your conduct of our proceedings is deserving of praise. All signs point to this becoming a significant session. We have every confidence that you will be able to provide the steady and steadfast leadership that this critical juncture requires. Appreciation is also due to your illustrious predecessor, Ambassador Murat Sungar of Turkey.

As all are aware, Bangladesh's non-proliferation credentials are impeccable.

We are parties to the NPT and signatory to the CTBT. General and complete disarmament is an aim that is incorporated in our Constitution.

We believe that the modest economic and social gains that we have achieved in recent years - and since our constraints are so many and varied, some of these at times have been truly remarkable - is because we have emphasized confidence-building through gestures of peace, rather than confidence-building through armament.

We are persuaded that this is indeed an appropriate policy for us which we would commend to developing countries in comparable milieux.

(Mr. Chowdhury, Bangladesh)

As a logical extension of this policy, we favour negotiations towards an FMCT.

In our view the current mood in this forum provides an ideal matrix.

Success is often a function of timing, and to lose an opportune moment would be a huge pity.

Since the CD is sometimes called the best club in Geneva, a cricketing metaphor may not be out of place.

The urgency of the need for early action is underscored by the recent fiery test matches on a nuclear wicket in South Asia.

However, realism dictates the need to carry all of us together on the same boat in our endeavour to begin talks on the FMCT.

In order for that to be the case, apprehensions must be assuaged. Doubts must be laid to rest. Fears must be calmed.

Many see the FMCT as a step both intellectually and procedurally towards nuclear disarmament.

If indeed a meaningful advance is to be achieved, many will argue, with a modicum of justification, then the structure of our discussions on the FMCT and nuclear disarmament will need to be such as to relate to one another in some form.

Therefore we would welcome the decision to set up an ad hoc committee under item 1, "Cessation of the nuclear arms race and nuclear disarmament", to tackle the question of fissile material.

We see this as an effective instrument to address the twin issues of non-proliferation and disarmament, aims to which my delegation's commitment is unequivocal.

But our success in reaching agreement on a convention may well depend on our progress on what the G.21 has always held to be the priority area of concern, i.e. nuclear disarmament, for which the setting up of an ad hoc committee is a categorical necessity. We have just heard the distinguished Permanent Representative of India, Ambassador Savitri Kunadi, and the points raised by her in this context merit heeding.

We need not hold up work, however, and the FMCT talks should commence. We welcome our Pakistani colleague Ambassador Munir Akram's recent statement in this respect.

Any further delay would be at a great cost. While on FMCT there are differences among us on thrusts and focus, we agree with Ambassador Rüdiger Hartmann of Germany that once the ad hoc committee is set up, these could be ironed out.

(Mr. Chowdhury, Bangladesh)

Bangladesh believes that the mutual accommodations that will be required to get the talks going are not beyond the realm of possibility.

A small sacrifice on the part of each of us can and will lead to big gains for all of us.

We urge you, Mr. President, to make every effort in that direction.

We are with you all the way.

The PRESIDENT (translated from French): I thank the representative of Bangladesh for his statement and the kind words addressed to the Chair. Would any other delegations like to take the floor at this point? If not, then I propose to adjourn the plenary. However, I would first like to inform the Conference that our consultations indicate that we are very close to reaching consensus on the establishment of an ad hoc committee on the prohibition of the production of fissile material for military purposes under agenda item 1, entitled "Cessation of the nuclear arms race and nuclear disarmament", and on the Presidential statement which will follow the adoption of that decision. However, it does appear that a little more time is necessary. Having held consultations with the regional group coordinators and China, I propose that tomorrow morning at 10.30 a.m. we hold an informal plenary meeting which will be immediately followed by an official plenary meeting to formalize the agreement which seems to be emerging. I hope that this approach will meet with the consent of the Conference.

The representative of Israel, Ambassador Lamdan, has the floor.

Mr. LAMDAN (Israel): Mr. President, forgive me for joining the discussion at this late stage, and also let me precede my remarks by saying, since this is the first time I am taking the floor during this session, I should like to salute you as President of the CD and express our confidence in your stewardship of our proceedings.

I would like to speak to members in all openness and candour, since we are one of those States who are still awaiting instructions.

Regarding the establishment of an ad hoc committee on FMCT, on the basis of what was distributed only last Tuesday evening, that is to say, which was distributed less than 36 hours ago, I should like to inform you, Mr. President, and through you, the members, that decision-formers and decision makers in Israel are proceeding with deliberate speed on an issue which impinges directly on our national security. They are moving, and will move, as fast as reasonably possible, treating the issue as a matter of urgency, and we, in this delegation, would expect to receive our instruction sooner than later, and hence I certainly welcome the suggestion that consideration of the papers will be deferred at least until tomorrow. But in all fairness, I have to indicate that there is no guarantee that this delegation will receive its instructions by tomorrow. We will be there, and we will be present, but in all fairness, I would ask you to take note.

The meeting rose at 11.15 a.m.